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SUBJECT: SERBIA: PRIME MINISTER LOSES BID (FOR NOW) TO HAVE
PARLIAMENT REJECT KOSOVO CONSTITUTION AND EU MISSION

REF: A) BELGRADE 587, B) 07 BELGRADE 218

SUMMARY

1. (SBU) In contrast to President Tadic's "soft no" to UNSYG Ban's letter on UNMIK reconfiguration, Prime Minister Kostunica and his Democratic Party of Serbia (DSS) sought a special session of Serbia's new parliament to declare Kosovo's new constitution illegal and reject the EU's plan to send a Rule of Law Mission to Kosovo. The June 17 decision by the acting speaker not to convene an extraordinary session drew strong criticism from Kostunica. Ultimately, Kostunica's actions were predominantly for public consumption and were a last ditch effort to destabilize government formation talks between President Tadic's Democrats (DS) and the Socialists (SPS). End Summary.

Kostunica's Response to Constitution and EULEX

2. (U) Serbian Prime Minister Vojislav Kostunica on June 15 called for parliament to convene in order to declare Kosovo's new constitution illegal and to clearly reject the EU plan to send its Rule of Law Mission (EULEX) to Kosovo. He said the EULEX mission would contravene UN Security Council Resolution 1244 and the Serbian Constitution since the goal of EULEX was to help implement the Ahtisaari Plan, which Serbia previously rejected. The parliament, Kostunica said, should take such actions prior to the expected June 20 UN Security Council session on UNMIK reconfiguration.

3. (U) On June 16, Kostunica's Democratic Party of Serbia (DSS) and its New Serbia (NS) coalition partner submitted to the new parliament a draft motion which would declare the Kosovo Constitution null and void and reject the deployment of the EULEX mission to Kosovo. The Radical Party (SRS) immediately supported the DSS/NS draft motion and also urged additional parliamentary debate on whether President Tadic had exceeded his constitutional authority by responding to UNSYG Ban's letter on UNMIK reconfiguration without consulting the technical government (Ref A).

Acting Speaker Declines to Convene Parliament

4. (U) According to Serbia's constitution, parliament can hold an extraordinary session with a previously determined agenda if one-third of its members (84 MPs) demand it. The new Serbian parliament is not yet fully formed, however, as at its June 11 constitutive session it succeeded only in verifying members' mandates but did not complete the additional steps of electing a Speaker and deputy speakers, working bodies and a secretary. In the interim period, the oldest Member of Parliament -- currently Pensioners' Party (PUPS) leader Jovan Krkobabic -- serves as acting

Speaker.

¶5. (SBU) The Constitution and the Parliamentary Operating Procedures do not specify whether the parliament can convene an extraordinary session before it is fully constituted. There is a precedent for doing so, however; in February 2007, after verification of the mandates the acting speaker immediately adjourned the session and called an extraordinary session where MPs adopted a resolution rejecting then-UN Special Envoy Martti Ahtisaari's plan for Kosovo (Ref B). At that time, however, there was general consensus among the parties to call the extraordinary session.

¶6. (SBU) Despite this precedent and the apparent flexibility of parliamentary bylaws, on June 17 Krkobabic announced that he did not have the legal authority to call an extraordinary session of parliament. Prime Minister Kostunica immediately condemned Krkobabic's decision, claiming that the PUPS leader had acted without consulting parliamentary parties and had "prevented the Serbian Parliament from giving a legitimate response to the Ban Ki-moon proposal." Kostunica asserted that, in the absence of a functioning government, only the parliament had the authority to respond to the UNSYG's letter.

DS Opposed Extraordinary Session

¶7. (U) Perhaps strongly influencing Krkobabic's decision, President Tadic's Democratic Party (DS) publicly rejected the DSS motion for a session. Foreign Minister Vuk Jeremic told the daily "Vecernje Novosti" that because the Parliament has already rejected Kosovo's unilateral declaration of independence, it was not necessary to

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adopt separate resolutions rejecting all subsequent acts.

¶8. (SBU) In his June 13 response to UNSYG Ban's letter, President Tadic said reconfiguration of the international presence in Kosovo must be decided by the UN Security Council. Tadic stated that the EU had a significant role to play in overcoming the obstacles related to Kosovo and expressed his willingness to work together with the UN to "arrive at a satisfactory arrangement." (Post sees the Tadic letter as a "soft no," in contrast to Prime Minister Kostunica's harsher public response.)

Socialists on the Fence

¶9. (U) To obtain a majority of 126 votes in favor of the resolution, the DSS and its allies -- who control 108 votes -- needed the 20 votes controlled by the Socialists (SPS) and their coalition partners United Serbia (JS) and the Pensioners' Party. Krkobabic's decision not to hold the extraordinary session thus relieved his coalition partner, Socialist party leader Ivica Dacic, of the need to side publicly with either Tadic or Kostunica on the issue.

Comment

¶10. (SBU) Domestic political considerations undoubtedly prompted the decision not to hold an extraordinary session of parliament on Kosovo. Kostunica may well continue to push for the session, in his effort to disrupt government coalition negotiations between the Socialists and the DS. Given that all indicators are still pointing toward a DS-SPS coalition agreement in the near future, we believe that Krkobabic and Dacic will continue to stymie Kostunica's initiative. Although Kostunica has outmaneuvered his opponents many times in the past, for the moment he seems to have hit a dead end.
End Comment.

PEDERSON